

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RANDAL L. SCHULTZ,

Plaintiff,

v.

Case No. 06-C-0508

AMERICAN LIGHTING, INC., and
AMERICAN LIGHTING LLC,

Defendants.

ORDER

Plaintiff Randal L. Schultz sued Defendant American Lighting LLC (formerly known as American Lighting, Inc.) in Winnebago County Circuit Court, seeking a declaratory judgment that two confidentiality agreements were unenforceable. American Lighting removed the case to this court on the basis of diversity jurisdiction, asserting that the parties were citizens of different states and that the amount in controversy exceeded \$75,000. *See* 28 U.S.C. § 1332. On May 15, 2006, Schultz filed a motion for summary judgment. Three days later, American Lighting moved to dismiss this case or, in the alternative, to stay the proceedings or transfer the case to the United States District Court for the District of New Mexico. American Lighting has also moved to stay briefing on Schultz's motion for summary judgment. For the following reasons, this last motion will be granted.

American Lighting refers to its motion as one "to stay the proceedings in this action pending a decision on" American Lighting's motion to dismiss, transfer or stay. (Mot. at 1.) The relief requested is actually more modest than that; American lighting merely asks the court to postpone

the briefing deadlines for Schultz's motion for summary judgment until after it has ruled on American Lighting's motion to dismiss, transfer, or stay. Given that the latter motion would be briefed first any way, and given American Lighting's contention that this court is not a proper forum for resolving this case on the merits, American Lighting's request is a reasonable one, to which the court will accede. The court has the power to set briefing dates and schedules for motions under Civil L.R. 16.1(b). Accordingly, **IT IS ORDERED** that American Lighting's motion (Docket #25) is **GRANTED**. Briefing on Schultz's motion for summary judgment (Docket #21) shall be held in abeyance pending further order of the court.

Dated this 24th day of May, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge